

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

THOMAS CAPEL,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

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CIVIL NO. 17-cv-113-JPG-CJP

MEMORANDUM AND ORDER

Before the Court is Defendant's Motion for Remand to the Commissioner. (Doc. 26.) Defendant agrees that this case should be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand is appropriate when the Court finds an error by the administrative law judge; it is a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302–303 (1993).

Defendant further agrees that, upon remand, plaintiff will be provided with the opportunity for a hearing and to submit additional evidence and arguments, and the ALJ will reassess Plaintiff's residual functional capacity and provide appropriate rationale with specific references to evidence of record in support of the assessed limitations.

Plaintiff applied for disability benefits in March 2013. (Tr. 12.) While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the Court **GRANTS** Defendant's Motion for Remand to the Commissioner. (Doc. 26.)

The final decision of the Commissioner of Social Security denying Thomas Capel's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: October 30, 2017

s/ J. Phil Gilbert

J. PHIL GILBERT

UNITED STATES DISTRICT JUDGE